



DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Submission for OMB Review; comment request; Post Allowance and Refiling

The United States Patent and Trademark Office (USPTO) will submit to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office, Commerce

Title: Post Allowance and Refiling

OMB Control Number: 0651-0033

Form Number(s): PTO/SB/44/50/51/51S/52/53/56/141, PTO/AIA/05/06/07, and PTOL-85B.

Type of Request: Regular

Number of Respondents: 379,600 response.

Estimated Average Hours Per Response: The USPTO estimates that it will take the public from 12 minutes (0.20 hours) to 5 hours to gather the necessary information, prepare the appropriate form or document, and submit the information to the USPTO.

Burden Hours: 207,065 burden hours

Cost Burden: \$35,734,150.00.

Needs and Uses: This collection of information encompasses the action an applicant must take to submit an issue fee payment to the USPTO. The USPTO is required by 35 U.S.C. §§ 131 and 151 to examine applications and, when appropriate, allow applications and issue them as patents. When an application for a patent is allowed by the USPTO, the USPTO issues a notice of allowance and the applicant must pay the specified issue fee (including the publication fee, if applicable) within three months to avoid abandonment of the application. If the appropriate fees are paid within the proper time period, the USPTO can then issue the patent. If the fees are not paid within the designated time period, the application is abandoned. The rules outlining the procedures for payment of the issue fee and issuance of a patent are found at 37 CFR 1.18 and 1.311-1.317.

This collection of information also encompasses several actions that may be taken after issuance of a patent. A certificate of correction may be requested to correct an error or errors in the patent. If the USPTO determines that the request should be approved, the USPTO will issue a certificate of correction. For an original patent that is believed to be wholly or partly inoperative or invalid, the assignee(s) or inventor(s) may apply for reissue of the patent, which entails several formal requirements, including provision of an oath or declaration specifically identifying at least one error being relied upon as the basis for reissue and stating the reason for the belief that the original patent is wholly or partially inoperative or invalid. The rules outlining these procedures are found at 37 CFR 1.171-1.178 and 1.322-1.325.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Kimberly Keravuori, email: Kimberly_R_Keravuori@omb.eop.gov

Once submitted, the request will be publicly available in electronic format through www.reginfo.gov. Follow the instructions to view Department of Commerce collections currently under review by OMB.

Further information can be obtained by:

- E-mail: InformationCollection@uspto.gov. Include "0651-0073 copy request" in the subject line of the message.
- Mail: Marcie Lovett, Records Management Division Director, Office of the Chief Information Officer, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450.

Written comments and recommendations for the proposed information collection should be sent on or before [INSERT DATE 30 DAYS AFTER THE DATE OF PUBLICATION IN THE FEDERAL REGISTER] to Kimberly Keravuori, OMB Desk Officer, via e-mail to [Kimberly_R_Keravuori @omb.eop.gov](mailto:Kimberly_R_Keravuori@omb.eop.gov), or by fax to 202-395-5167, marked to the attention of Kimberly Keravuori .

Dated: October 20, 2016

Marcie Lovett

Records Management Division Director, USPTO

Office of the Chief Information Officer.

[FR Doc. 2016-25950 Filed: 10/26/2016 8:45 am; Publication Date: 10/27/2016]